

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 00-148
FM Broadcast Stations.)	RM-9939
(Quanah, Archer City, Converse, Flatonia,)	RM-10198
Georgetown, Ingram, Keller, Knox City,)	
Lakeway, Lago Vista, Llano, McQueeney,)	
Nolanville, San Antonio, Seymour, Waco and)	
Wellington, Texas, and Ardmore, Durant,)	
Elk City, Healdton, Lawton and Purcell,)	
Oklahoma.)		

REQUEST FOR SUPPLEMENTAL INFORMATION

Adopted: September 26, 2001

Released: September 28, 2001

Comment Date: November 13, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Notice of Proposed Rule Making in this proceeding, 15 FCC Rcd 15809 (2000). Nation Wide Radio Stations filed Comments and Reply Comments. First Broadcasting Company, L.P., Rawhide Radio, L.L.C., Next Media Licensing, Inc., Capstar TX Limited Partnership and Clear Channel Broadcast Licenses, Inc. ("Joint Parties") filed a Counterproposal and Reply Comments. Fritz Broadcasting Co., Inc. and M&M Broadcasters, Ltd. filed Joint Reply Comments. Elgin FM Limited Partnership and Charles Crawford jointly filed Reply Comments and Maurice Salsa filed Reply Comments. For the reasons discussed below, we are issuing this Request for supplemental Information.

Background

2. At the request of Nation Wide Radio Stations, the Notice in this proceeding proposed the allotment of Channel 233C3 to Quanah, Texas. In response to the Notice, the Joint Parties filed a Counterproposal involving interrelated channel substitutions at twenty communities in Texas and Oklahoma. Included in that Counterproposal was a proposed substitution of Channel 247C1 for Channel 248C at Waco, Texas, reallocation of Channel 247C1 to Lakeway, Texas, and modification of the Station KWTX license to specify operation on Channel 247C1 at Lakeway, Texas. On the basis of our own engineering review and Reply Comments from Elgin FM Limited Partnership and Charles Crawford, it appears that the proposed transmitter site (30-18-27 and 97-46-46) for the Channel 247C1 allotment at Lakeway is located in the Colorado River. Any counterproposal filed in a rulemaking proceeding must comply with all Commission technical requirements. Broken Arrow and Bixby, Oklahoma, Coffeyville, Kansas, 3 FCC Rcd 6507 (1988). In this situation, it appears that the proposed transmitter site is, in fact, located in the Colorado River or at the very edge of the river. In either case, it would appear that the proposed transmitter site is neither suitable nor available. See Grand View, Idaho, 15 FCC Rcd 2768 (2000); Cusseta, Georgia, 6 FCC Rcd 7437 (1991). Accordingly, the Joint Parties, Elgin FM Limited Partnership and Charles Crawford are requested to submit additional information as to the exact location of the proposed transmitter site for the proposed Channel 247C1 allotment at Lakeway, Texas, and whether this site proposed in the Counterproposal can be used as a transmitter site.

3. Interested parties may file comments on or before November 13 2001. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the following counsel:

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4. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

5. For further information concerning this matter, contact Robert Hayne, Mass Media Bureau, (202) 418-2177. For purposes of this restricted notice and comment rulemaking proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or the staff for clarification or adduction of evidence or resolution of the issues in the proceeding. However, any new written information elicited from such request or summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in this proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau